

REMARKS/ARGUMENTS

The Office Action dated February 13, 2006, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 3-11, 13-21 and 23 are pending in this application.

Claims 3-11, 13-21 and 23 stand rejected under 35 USC 103(a) over Johnson (2002/0095400) in view of Enns (6,658,010).

Johnson discloses various methods and systems for managing differentiated service in an information management environment, but Johnson does not disclose any differentiated services based on upstream and downstream communications in a wireless network (such as a satellite and/or other similar such wireless connection), or any differentiated services including upstream and downstream communications based on a stored balance based of an individual subscriber. The upstream and down stream management are particularly important on a wireless network where the systems often have asymmetric information paths.

Referring to column 4, lines 5-40, and column 21, line 50, to column 22, line 15, the Office Action asserts that Enns teaches a method and corresponding system for monitoring wireless access comprising an upstream and a downstream balance that tracks a wireless network data consumption and imposing a bandwidth limitation on a subscriber of the wireless network responsive to either the upstream or downstream balance of the account.

The passages referred to in the Office Action are particularly directed to a delivery system for delivering high-speed broadband cable network. In regard to bandwidth, Enns mentions, for example, "The data rates specified herein obviously depend upon available bandwidth of operation." See column 4, lines 22-24. This passage does not suggest individual

bandwidth controls based on accumulated usage values (over days, weeks, or months) which dynamically reduce the load on a complex network.

In column 4, lines 27-38, a laundry list of possible cable services is provided:

This allows a network service provider full control of cable data services that flow through the broadband network. A network operation center located at a centralized plant (i.e., a cable TV head end plant) controls configuration of remote devices; IP address assignments; upstream data rates; remote device power level settings and frequency assignments; user traffic management and load balancing; subscriber account management; routing or switching management; bandwidth management; and developing usage and performance statistics for modifying parameters that control such functions.

This laundry list of general functions (including “bandwidth management”) does not teach or suggest using individual bandwidth controls based on accumulated usage values (over days, weeks, or months) which dynamically reduce the load on a complex network.

Beginning at column 22, the Enns system also provides for account management including the ability to keep track of byte counts and packet counts and billing related features. Again, there is no teaching or suggestion of using individual bandwidth controls based on accumulated usage values (over days, weeks, or months) which dynamically reduce the load on a complex network.

Thus, contrary to the position asserted in the Office Action, Enns does not teach controlling a network comprising an upstream and a downstream balance that tracks a wireless network data consumption and imposing a bandwidth limitation on a subscriber of the wireless network responsive to either the upstream or downstream balance of the account.

In summary, neither Johnson nor Enns teaches or suggests:

storing an account for each of a plurality of subscribers of the wireless network, each account having an upstream and a downstream balance that tracks a

wireless network data consumption of the respective subscriber of the wireless network;

imposing a bandwidth limitation on a subscriber of the wireless network responsive to either the upstream or downstream balance of the account of that subscriber of the wireless network dropping below a defined level; and

for each account, crediting the balance of the respective account on an intermittent basis.

Thus, even if the teachings of Johnson and Enns could be combined, the claims of the present application would not have been obvious to one of ordinary skill in the art at the time of the invention in view of Johnson and Enns. Reconsideration is respectfully requested and a favorable action on the merits is solicited.

CONCLUSION

In view of the above remarks, this application is in condition for allowance.

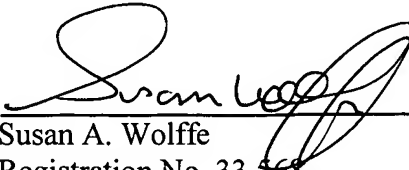
The Commissioner is authorized to charge our Deposit Account No. 19-0733 for any fees associated with this paper or application. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

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